

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF NEBRASKA

IN RE:

CASE NO. BK 10-82240  
CHAPTER 13

RINISKI L. MCGLOWN,  
  
Debtor.

**STIPULATION RESOLVING  
MOTION FOR RELIEF FROM  
THE AUTOMATIC STAY**

**COMES NOW** U.S. Bank, N.A., its Successors and/or Assigns (hereinafter "U.S. Bank"), by and through its attorney of record, Matthew E. Eck, and Debtor Riniski L. McGlown, by and through her attorney of record, Robin L. Meyers, and hereby Stipulate as follows:

1. That Debtor filed his Petition for Relief under Chapter 13 of the United States Bankruptcy Code on July 31, 2010.

2. That U.S. Bank filed its Motion for Relief from the Automatic Stay on October 8, 2010, generally setting forth that Debtor had defaulted under the terms of his Chapter 13 Plan by failing to make his post-Petition payments directly to U.S. Bank.

3. That U.S. Bank and Debtor hereby agree that Debtor will resume his regular monthly payments to U.S. Bank starting with the November 1, 2010 payment, said payments currently being in the amount of \$1,531.84.

4. That U.S. Bank and the Debtor hereby agree that the current post-Petition delinquency is as follows:

a)	3 Post-Petition payments @ \$1,531.84 (8/1/2010 through 10/1/2010)	\$ 4,595.52
b)	3 Late Charge @ \$61.27 (8/2010 through 10/2010)	\$ 183.81
d)	Post-Petition Property Inspections	\$ 40.00
e)	Bankruptcy Attorney Fees and Costs	<u>\$ 800.00</u>

CURRENT POST-PETITION DELINQUENCY	\$ 5,619.33
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5. That the Debtor will cure his current delinquency of \$5,619.33 owed to U.S. Bank by making a payment in the amount of \$5,560.00 to U.S. Bank upon execution of the Stipulation, with the balance of \$59.33 to be included with Debtor's November 1, 2010 payment.

6. That U.S. Bank and Debtor hereby agree that in the event that Debtor fails to make any future payments or the payments set forth in this Stipulation to U.S. Bank within 15 days of the due date, U.S. Bank shall be entitled to relief from the Automatic Stay, pursuant to 11 U.S.C. §362(d)(1), after giving notice to Debtor and his counsel that he has 15 days from the date of said notice in which to cure the default and then filing an Affidavit with the Court setting forth the Debtor's default and failure to cure. In the event that the Debtor converts this case to a proceeding under Chapter 7, U.S. Bank shall be entitled to relief from the Automatic Stay upon the filing of an Affidavit.

7. That U.S. Bank and Debtor further agree that in the event of any future default under this Stipulation requiring U.S. Bank's counsel to give notice to Debtor, Debtor agrees to pay U.S. Bank's reasonable attorney fees in the sum of \$150.00 in addition to any default amount to fully cure Debtor's arrearage under any default pursuant to this Stipulation.

8. That in the event that relief from the Automatic Stay is granted to U.S. Bank, U.S. Bank shall be allowed to exercise its rights under the Note and Deed of Trust and applicable state and other non-bankruptcy law, to allow it to foreclose its security interest in the real estate commonly known as 1015 S. 159<sup>th</sup> Avenue, Omaha, Nebraska, and legally described as follows:

Lot 1 and Outlot 1, Pacific Meadows, a Subdivision in Douglas County, Nebraska

to allow it to commence proceedings for possession of the real estate after the foreclosure sale, if necessary, to allow it to offer, negotiate, enter into and/or accept any potential forbearance agreement, loan modification, refinance agreement, short sale agreement, deed-in-lieu of foreclosure or other loan workout or loss mitigation agreements

9. That in the event that relief from the Automatic Stay is granted to U.S. Bank, Debtor hereby agrees that the stay set forth in Bankruptcy Rule 4001(a)(3) shall not apply.

10. That the Court may approve this Stipulation on any terms it deems necessary.

DATED this 25<sup>th</sup> day of October, 2010.

RINISKI L. MCGLOWN Debtor,

By: 

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Suite 216  
Omaha, Nebraska 68106  
Phone: (402) 345-1717  
robinlmeyers@hotmail.com  
Robin L. Meyers  
Attorney for Debtors

U.S. BANK, N.A.,  
its Successors and/or Assigns,  
a Secured Creditor,

By: 

For: LOCHER PAVELKA DOSTAL  
BRADDY & HAMMES, LLC  
200 The Omaha Club  
2002 Douglas Street  
Omaha, Nebraska 68102  
Phone: (402) 898-7000  
Fax: (402) 898-7130  
meck@lpdbhlaw.com  
Matthew E. Eck

### **CERTIFICATE OF SERVICE**

I hereby certify that on October 25, 2010, I electronically filed the foregoing Stipulation with the Clerk of the United States Bankruptcy Court for the District of Nebraska using the CM/ECF system which sent notification of such filing by electronic mail to Robin L. Meyers, Debtor's Attorney; Kathleen Laughlin, Chapter 13 Trustee; and Patricia Fahey, Assistant U.S. Trustee, and I hereby certify that I have mailed by United States Mail, postage prepaid, the foregoing to the following non CM/ECF participant:

**DEBTOR**

Riniski L. McGlown  
1015 S. 159<sup>th</sup> Ave.  
Omaha, Nebraska 68118



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